

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: SALVATORE CARBONE Debtor	: CHAPTER 7 : CASE NO. 16-13810-ELF
GARY SEITZ Plaintiff v. SALVATORE CARBONE et al	: : ADVERSARY NO: 19-68-ELF : : :

**PLAINTIFF'S REPLY IN OPPOSITION TO
THE MOTION TO DISMISS ADVERSARY COMPLAINT**

Plaintiff, Gary Seitz, the Chapter 7 Trustee, through his undersigned counsel, files the within Reply in Opposition to the Defendants' Motion to Dismiss the Adversary Complaint.

1. Admitted. The docket speaks for itself.
2. Admitted.
3. Admitted.
4. Denied. The Complaint speaks for itself and Defendants cherry pick from the Complaint.
5. Denied. The Complaint speaks for itself. Moreover, Defendants fail to address the piercing/transferee liability count.
6. Denied. There were transfers of the residences in which Carbone Brothers had an interest. This occurred within the two year or four year statute under the Pennsylvania Uniform Fraudulent Transfer Act ("UFTA")
7. Denied as a conclusion of law.

8. Denied as a conclusion of law.

9. Denied. It is irrelevant if Sal Carbone owns the property. What is relevant is that Carbone Brothers fronted the money and received no value in return for the residences that they constructed. Moreover, Sal Carbone stated on his schedules that Carbone Brothers ceased to exist in 2009 when that clearly was not the case.

10. Denied. It is unknown when the exact transfer took place and the Pennsylvania Uniform Fraudulent Transfer Act.

11. Denied as a conclusion of law.

12. Denied. It is irrelevant if Sal Carbone owns the property. What is relevant is that Carbone Brothers fronted the money and received no value in return for the residences. Moreover, Sal Carbone stated on his schedules that Carbone Brothers ceased to exist in 2009 when that clearly was not the case.

13. Denied as a conclusion of law.

14. Denied as a conclusion of law.

15. Denied. The transfer of the residences occurred after 2014.

16. Denied as a conclusion of law.

17. Denied. It is irrelevant if Sal Carbone owns the property. What is relevant is that Carbone Brothers fronted the money and received no value in return for the residences. Moreover, Sal Carbone stated on his schedules that Carbone Brothers ceased to exist in 2009 when that clearly was not the case.

18. Denied as a conclusion of law.

19. Denied as conclusion of law.

20. Denied. There is no "vague reference". The tax returns for Carbone


Brothers and Sal Carbone's testimony at the 341 hearing speak for themselves.

21. Denied as a conclusion of law.
22. Denied as a conclusion of law.
23. Denied as a conclusion of law.

WHEREFORE, Gary Seitz, the Chapter 7 Trustee, respectfully requests that this Honorable Court deny the Motion to Dismiss.

Respectfully submitted:

Dated: May 10, 2019



Robert J. Birch, Esquire
Attorney for Plaintiff, Gary Seitz

CERTIFICATE OF SERVICE

I, Robert J. Birch, Esquire, hereby certify that on this 10th day of May, 2019, I served a true and correct copy of the Plaintiff's Answer in Opposition to the Motion to

Dismiss via ECF to:

Peter E. Meltzer, Esquire
2000 Market Street, Suite 1300
Philadelphia, PA 19103



ROBERT J. BIRCH, ESQUIRE